



January 24, 2017

ELECTRONIC FILING VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Fixed Wireless Communications Coalition, Inc. Petition for Rulemaking
Requesting Modified Coordination Procedures in Bands Shared Between the
Fixed Service and the Fixed-Satellite Service (RM-11778)**

Dear Ms. Dortch:

Encompass Digital Media ("Encompass") hereby replies to the initial comments submitted in response to the Petition for Rulemaking ("Petition") filed by Fixed Wireless Communications Coalition, Inc. ("FWCC") in the above-referenced proceeding.¹ Encompass adds its voice those that have already opposed FWCC's proposed rule changes, which are antithetical to sound, well-established Commission policy.² FWCC's misguided proposal to eliminate the Commission's long-standing and highly successful full-band, full-arc earth station licensing policy would critically harm the Fixed-Satellite Service ("FSS") customers that this flexible policy was designed to protect, including Encompass. Accordingly, Encompass strongly urges the Commission to deny or dismiss FWCC's Petition.

Encompass is a user of substantial geostationary FSS capacity in connection with its business providing a broad range of end-to-end video production, editing and transmission services to local, regional and global media companies, broadcasters, corporations and government end-users. These services include satellite teleport facilities around the world and a large fleet of U.S.-based transportable temporary-fixed Earth stations used for newsgathering, on-site sports coverage, and other remote video transmission. Occasional use access to short-term C-band capacity is critical to serving these end users, with uplink antennas often being required on very short notice.

¹ See Fixed Wireless Communications Coalition, Inc. Petition for Rulemaking, RM-11778 (filed October 11, 2016).

² See, e.g., Opposition of Intelsat License LLC, RM-11778 (filed January 9, 2017); Petition to Dismiss or Deny of the Satellite Industry Association, RM-11778 (filed January 9, 2017); Petition to Dismiss or Deny of SES Americom, Inc. (filed January 9, 2017); Opposition of EchoStar Satellite Operating Corporation and Hughes Network Systems, LLC, RM-11778 (filed January 9, 2017).

A critical flaw in the premise of the Petition is the notion that a mere asymmetry in how terrestrial fixed and geostationary satellite uses are coordinated somehow represents inequitable treatment of the fixed service.³ This characterization fails to recognize the very different ways in which satellite networks and fixed service licensees use and maximize efficiency of allotted spectrum. Fixed operators generally make dedicated use of specific frequencies over specific transmission paths to move data between points, but do not provide service over very wide areas and have no need to alter their frequency usage on established links, though they may need “growth capacity” to add links. Satellite space stations, on the other hand, have the capability to provide service over very broad regional, hemispheric or global coverage areas, allocating the spectrum resource as necessary to meet both dedicated and occasional use demands and optimize service to a variety of customers. Chipping away at the spectrum that is available to established ground-based satellite users would diminish both the spectrum efficiency and the operational scope of these facilities. For example, if certain frequencies are no longer available to an Earth station licensee, this may significantly limit or preclude entirely access to a particular satellite, thereby altering not only the Earth station’s utility, but also limiting the space station licensee’s ability to provide service in that part of its coverage area. These significant differences between the two service models are a high hurdle to overcome in advancing any argument that similar regulatory regimes should be imposed on each. As the Commission correctly noted in 2002, “the FSS and FS services have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs, and these needs must be recognized and accommodated in the context of the entire interference environment.”⁴

Encompass’ significant use of transportable Earth stations for short-term video operations at C-band is dependent on the availability of the existing, well-established, full-band, full-arc earth station licensing policy. In many cases, the location at which Encompass has been contracted to provide remote video production and transmission services is not known until a few weeks, or even days, prior to an event. The specific satellites and transponders on which Encompass will be required to operate for any given uplink engagement depend on both the frequencies available at the particular location and the satellite capacity to which it has access on an occasional use basis. These availabilities may change frequently even within a discrete geographic area based on other short-term usage demands, as well as evolving longer-term contractual arrangements. FWCC’s proposal would no longer allow for full-frequency, full-arc coordination and would, absent a waiver, require licensees such as Encompass individually to coordinate and to file a license modification application -- or alternatively, to request special temporary authority -- prior to transmitting on any frequency or to a satellite in any orbital location that was not previously included in its Earth station license. Because the very nature of occasional use video operations requires that FSS customers have the flexibility to coordinate

³ See FWCC Petition at 4-7.

⁴ *FWCC Petition for Declaratory Ruling on Partial-Band Licensing of Earth Stations in the Fixed-Satellite Service That Share Terrestrial Spectrum, et al.*, Second Report and Order, 17 FCC Rcd 2002, 2007 (¶ 11) (2002) (emphasis added).



their operational parameters on very short notice, the rigid, narrow licensing regime proposed in the FWCC Petition would render these services all but impossible to continue.

Across a broader range of FSS users, such an approach would also significantly undermine the Commission's "fleet management" rule, which allows space station operators to relocate satellites on just thirty days' notice without prior FCC approval.⁵ This rule gives operators the flexibility to manage their networks proactively based on demand, remaining satellite life, new satellite deployments, transponder outages and other factors. Such efficient movements, which also typically require Earth station operators to shift frequencies or re-point antennas, would be greatly handicapped in the absence of full-band, full-arc coordination, as Earth stations coordinated on a narrower basis could be required to re-coordinate and modify their licenses in order to adjust to the new arrangement of space facilities, tasks that could not be accomplished easily, if at all, within the fast-track timetable the fleet management rule encourages.⁶ Accordingly, the Commission cannot reasonably give any serious consideration to the FWCC Petition without first evaluating the impact of the proposal on this significant FCC regulation, which was adopted in 2002, less than five months after the Commission's final rejection of FWCC's 1999 petition on the same issues raised in its current Petition.⁷

For all of the foregoing reasons, as well as those articulated fully in the initial Comments of SIA, EchoStar, Intelsat and SES, Encompass respectfully urges the Commission expeditiously to deny or dismiss the FWCC Petition as inconsistent with well-settled policy and contrary to the public interest.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'C. Walters', is written over a horizontal line.

Chris Walters
Chief Executive Officer

⁵ See 47 C.F.R. § 25.118(e).

⁶ Among other requirements, the rule mandates that the satellite licensee certify that "the relocation will not result in a lapse of service for any current customer." 47 C.F.R. § 25.118(e)(6).

⁷ See *Space Station Licensing Rules and Policies*, Second Report and Order, 18 FCC Rcd 12507, 12509-11 (¶¶ 6-9) (2002). Since that time, the rule has been modified to "afford greater flexibility for fleet management maneuvers." See *Comprehensive Review of Licensing and Operating Rules for Satellite Services*, Second Report and Order, 30 FCC Rcd 14713, 14807 (¶ 296) (2015). See also n.4, *supra*.



CERTIFICATE OF SERVICE

I, Chris Weissinger, hereby certify that a true and correct copy of the foregoing Reply was sent on January 24, 2017 by first-class mail, postage prepaid, to the following:

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